

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, July 10, 2007
Tuesday, 9:06 A.M.

The City Council met in regular session with Mayor Brewer in the Chair. Council Members Fearey, Gray, Longwell, Schlapp; Skelton present. Council Member Williams was absent with prior notice.

Cathy Holdeman, Assistant City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Diane Monger, Interfaith Ministries, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of July 03, 2007, were approved 6 to 0.

Proclamation

Proclamation-Piatt Park Memorial Day

Mayor Brewer read aloud a Proclamation for the Piatt Park Memorial Day.

(Council Member Fearey momentarily absent)

PUBLIC AGENDA

Loretta Jackson

Loretta Jackson-Condemnation of 2302 North Piatt.

Ms. Jackson stated she resides at 2302 North Piatt and believes that the department of OCI has prematurely started process of removing her house at this location. Stated the City had assisted her earlier by allowing her time to get the work done on her home. Stated that in October the Council allowed her 60 to 90 days and she has paid all of her taxes, secured the premises, and cleaned up all of the debris. Stated she has had difficulty changing the deed from her aunt's name to her name. Stated she has also picked up an application for the low house housing loans. Stated at the end of February she received a certified letter from OCI to proceed with the removal of her home. She has already gotten someone to work on the roof and siding of her home and due to all of the rain we have been getting, the work has been delayed. Asked the Council to consider giving her additional time.

Mayor Brewer

Mayor Brewer advised Ms. Jackson to contact Kurt Schroeder, OCI and to get with Council Member Williams who will be back in town tomorrow.

Mark Herndon

Mark Herndon-International Plumbing Code.

Stated he is the current President of PACK, which is the Plumbing Association for Central Kansas and their mission statement is to provide the best education possible to their membership and to promote their industry. Stated this year they are celebrating their 100th year anniversary. Stated they are a non-profit group and they are the largest association of their kind in the state of Kansas and have approximately 100 members. Stated Wichita is very fortunate to have a group like this working for them on their behalf. Stated they are also the largest provider of continuing education for plumbers in the state of Kansas and since the passing of house bill 2551, they have been instrumental in providing the continuing education needed for license recertification. Stated they sponsor the mechanical and plumbing code classes for preparation of certification testing each year. Stated he is asking the Council to consider adopting the 2006 International Plumbing Code. Stated the City of Wichita is currently under the International Building Code, International Residential, International Mechanical, International Fuel Gas and International Fire. Stated our Wichita Plumbing Board is recommending the 2006

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Uniform Plumbing Code but they want to live under one family of codes and want to be able to reference back and forth between a family tree of codes. Stated what they are recommending makes absolutely no sense and the 2006 UPC contains an additional 119 pages of code changes from the 2000 code that they are presently under. Stated the UPC is a dying breed and the IPC are sweeping across the nation and currently there are 38 municipalities across the state under the IPCs. Asked the Council to make a progressive decision for our City and adopt the 2006 International Plumbing Code.

CONSENT AGENDA

Motion--
--carried

Brewer moved that Consent items 2 through 15c be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Williams absent).

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JULY 9, 2007

Bids were opened July 6, 2007, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

2007 Contract Maintenance Bike Path Asphalt Repairs, south of 2nd Street North, west of Hillside 472-84519 (132720). Traffic to be maintained during construction using flagpersons and barricades. (District I,III,IV)

\$99,800.00 (Engineer's Estimate)

Storm Water Drain #322 to serve Willow Creek East Addition, south of Harry, east of Greenwich. 468-84339 (751448/485339) Does not affect existing traffic. (District II)

Nowak Construction - \$180,325.75

Motion--
--carried

Brewer moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the necessary signatures be authorized. Motion carried 6 to 0, (Williams absent).

PRELIM ESTS.

PRELIMINARY ESTIMATES:

- a. Pavement and Drainage Improvements to Greenwich, Central Avenue to 13th Street North 472-84435/706959/766140/766141/766142/206425/490158/490159/490160 Greenwich to be closed during construction. (District II) - \$3,279,994.53
- b. Lateral 26, Main 19 Southwest Interceptor Sewer to serve Avalon Park 3rd & 4th Additions north of 37th Street North, east of Tyler (468-84216/744237/480925) Does not affect existing traffic. (District V) - \$312,500.00
- c. Water Distribution System to serve Avalon Park 3rd & 4th Additions north of 37th Street North, east of Tyler (448-90225/735367/470040) Does not affect existing traffic. (District V) - \$114,500.00

Motion--carried

Brewer moved to receive and file. Motion carried 6 to 0, (Williams absent).

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PETITIONS

STREET PAVING IN FONTANA THIRD ADDITION, EAST OF 119TH STREET WEST, NORTH OF 29TH STREET NORTH. (DISTRICT V)

Agenda Report No. 07-0649

On November 21, 2006, the City Council approved a Petition for street paving in Fontana 3rd Addition. Based on recent bid prices, it is doubtful that there is sufficient funding in the Petition budget to award a construction contract. The developer as submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located east of 119th St. West, north of 29th St. North.

The existing Petition total \$369,100. The new Petition total \$539,500. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing paving improvements required for a new residential subdivision.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of the property in the improvement district.

Motion--
--carried

Brewer moved that the City Council approve the new Petition, adopt the Resolution and authorize the necessary signatures. Motion carried 6 to 0, (Williams absent).

RESOLUTION NO. 07-398

Resolution of findings of advisability and resolution authorizing construction pavement on Mark Randal from the east line of Covington to the north line of Lot 27, Block 1; Cortina from the south line of Mark Randal to the east line of Lot 8, Block 2, including the cul-de-sac and Shefford from the east line of Lot 8, Block 2, to the north line of lot 27, Block 1, east of 119th Street West, north of 29th Street North, 472-84091, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer, (Williams absent).

STMNT. OF COSTS. STATEMENT OF COSTS:

PAVING:

- a. Improving Triple Crown, Mustang, Mustang Court, Mustang Circle, Equestrian and Equestrian Circle to serve Equestrian Estates Addition (south of Harry, east of 127th Street East). Total Cost - \$548,310.22 (plus idle fund interest - \$12,784.60, plus temporary note interest - \$20,005.18). Financing to be issued at this time - \$581,100.00. (765969/472-83430/490-084).
- b. Improving Zimmerly, Zimmerly Court and sidewalk to serve Woodland Lakes Estates 3rd and 4th Additions (north of Harry, west of 127th Street East). Total Cost - \$296,904.59 (plus idle fund interest - \$13,830.13, plus temporary note interest - \$1,065.29). Financing to be issued at this time - \$311,800.00. (765989/472-83718/490-106).
- c. Improving Zimmerly and sidewalk to serve Woodland Lakes Estates 3rd and 4th Additions (north of Harry, west of 127th Street East). Total Cost - \$131,584.98 (plus idle fund interest - \$5,927.22, plus temporary note interest - \$487.80). Financing to be issued at this time - \$138,000.00. (765978/472-83719/490-093).

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- d. Improving Thoroughbred, Hardtner, Kentucky Lane, Hardtner Court, Binter Circle and sidewalk to serve Highland Springs 3rd Addition (south of Central, west of 135th Street West). Total Cost - \$343,324.91 (plus idle fund interest - \$11,056.02, plus temporary note interest - \$6,119.07). Financing to be issued at this time - \$360,500.00. (765991/472-83780/490-108).
- e. Improving Hollywood, 35th Street South and sidewalk on one side of Hollywood and 35th Street South to serve Harvest Ridge Addition (north of K-42, west of Maize). Total Cost - \$357,742.33 (plus idle fund interest - \$8,053.18, plus temporary note interest - \$10,204.49). Financing to be issued at this time - \$376,000.00. (765984/472-83805/490-101).
- f. Improving Paddock Green Circle to serve Brighton Courts Addition (south of 21st Street North, west of Webb). Total Cost - \$160,710.11 (plus idle fund interest - \$7,629.89, plus temporary note interest - \$660.00). Financing to be issued at this time - \$169,000.00. (765997/472-83817/490-114).
- g. Improving Forestview, Forestview Court, Alderny and Circle, 10th Street North and Court, and sidewalk to serve Liberty Park 2nd and 3rd Additions (south of 13th Street North, west of 135th Street West). Total Cost - \$565,269.79 (plus idle fund interest - \$11,466.33, plus temporary note interest - \$19,063.88). Financing to be issued at this time - \$595,800.00. (765985/472-83881/490-102).
- h. Improving Mosley cul-de-sac to serve Purcells 3rd Addition (south of Pawnee, east of Washington). Total Cost - \$38,152.05 (plus idle fund interest - \$1,947.95, plus temporary note interest - \$0). Financing to be issued at this time - \$40,100.00. (765846/472-83891/490-957).
- i. Drainage, paving and water main improvements to 37th Street North between Tyler and Ridge to serve Avalon Park, unplatted Tracts A through D, Northridge Plaza, North Ridge, Tyler's Landing, and Tyler's Landing 2nd Additions Total Cost - \$245,347.92 (less idle fund interest - \$1,148.57, plus temporary note interest - \$19,200.65). Financing to be issued at this time - \$263,400.00. (765852/472-83941/490-963).
- j. Improving Jewell, Jewell Court, Upland Hills, Upland Hills Court, Grant and sidewalk to serve Turkey Creek 2nd Addition (north of Pawnee, west of 119th Street West). Total Cost - \$450,629.13 (plus idle fund interest - \$10,811.16, plus temporary note interest - \$12,259.71). Financing to be issued at this time - \$473,700.00. (765983/472-84029/490-098).
- k. Improving City View, Burton, Burton Court, Texas Circle and sidewalk to serve Shadow Woods Addition (north of Maple, west of 135th Street West). Total Cost - \$377,358.59 (plus idle fund interest - \$16,348.70, plus temporary note interest - \$3,292.71). Financing to be issued at this time - \$397,000.00. (765982/472-84060/490-097).
- l. Improving Covington, Shefford, Covington Court, Fontana Circle, Fontana Court, and Landon Circle to serve Fontana and Fontana 2nd Additions (north of 29th Street North, east of 119th Street West). Total Cost - \$917,991.43 (plus idle fund interest - \$29,476.27, plus temporary note interest - \$17,532.30). Financing to be issued at this time - \$965,000.00. (765976/472-84086/490-091).
- m. Improving Carmax frontage road along the south side of Kellogg from the west line of Pizza Hut Second Addition to approximately 250 feet east of the east line of Pizza Hut Second Addition (south of Kellogg, east of Webb Road). Total Cost - \$115,709.78 (plus idle fund interest - \$191.90, plus temporary note interest - \$4,518.32, less KDOT reimbursement - \$64,320.00). Financing to be issued at this time - \$56,100.00. (765929/472-84141/490-042).
- n. Improving Village Circle from the west line of Ridge Road to the east line of Lot 5, Block 1 to serve North Ridge Village Addition (north of 37th Street North, west of Ridge). Total Cost - \$641,874.68 (plus idle fund interest - \$12,607.99, plus temporary note interest - \$22,217.33). Financing to be issued at this time - \$676,700.00. (765939/472-84201/490-052).

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- o. Improving 24th Street North, Quincy Circle, Springdale Circle and sidewalk to serve Krug North 2nd Addition (north of 21st Street North, west of 143rd Street East). Total Cost - \$346,318.50 (plus idle fund interest - \$6,288.52, plus temporary note interest - \$11,692.98). Financing to be issued at this time - \$364,300.00. (765988/472-84250/490-105).
- p. Façade Improvement Program at 919 East Douglas (south of Douglas, west of Washington). Total Cost - \$49,705.19 (plus idle fund interest - \$1,433.99, plus temporary note interest - \$860.82). Financing to be issued at this time - \$52,000.00. (766015/472-84255/491-016).
- q. Improving Peckham/Laguna/Sierra Hills and Peckham Court to serve Country Hollow Addition (south of Kellogg, east of 127th Street East). Total Cost - \$424,644.27 (plus idle fund interest - \$13,236.55, plus temporary note interest - \$8,419.18). Financing to be issued at this time - \$446,300.00. (765974/472-84328/490-089).
- r. Improving Gilbert from the east line of 127th Street East to the east line of Lot 1, Block 4 to serve Country Hollow Addition (south of Kellogg, east of 127th Street East). Total Cost - \$216,123.72 (plus idle fund interest - \$6,914.92, plus temporary note interest - \$3,961.36). Financing to be issued at this time - \$227,000.00. (765977/472-84350/490-092).
- s. Improving Nevada Circle adjoining Blue Sky Addition to serve Blue Sky Addition and Iseminger Addition (north of Douglas, west of West Street). Total Cost - \$87,791.81 (plus idle fund interest - \$1,749.50, plus temporary note interest - \$2,858.69). Financing to be issued at this time - \$92,400.00. (765987/472-84363/490-104).
- t. Improving Rosewood, Hazel Nut, Hazel Nut Circle and Rosewood Court to serve Whispering Lakes Estates Addition (south of Harry, west of 159th Street East). Total Cost - \$266,857.21 (plus idle fund interest - \$11,963.60, plus temporary note interest - \$979.19). Financing to be issued at this time - \$279,800.00. (765980/472-84367/490-095).
- u. Improving Churchill and Churchill Court to serve Reed's Cove Addition Phase I and II (south of 21st Street North, east of 127th Street East). Total Cost - \$393,120.19 (plus idle fund interest - \$9,089.09, plus temporary note interest - \$11,990.72). Financing to be issued at this time - \$414,200.00. (765986/472-84384/490-103).
- v. Improving Fawn Grove to serve Fawn Grove at Sunset Lakes Addition (south of Kellogg, west of Greenwich). Total Cost - \$222,250.93 (plus idle fund interest - \$10,712.90, plus temporary note interest - \$936.17). Financing to be issued at this time - \$233,900.00. (765995/472-84408/490-112).

Motion--carried

Brewer moved to approve and file. Motion carried 6 to 0, (Williams absent).

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STREET CLOSURE **CONSIDERATION OF STREET CLOSURES: (DISTRICT I)**

Agenda Report No. 07-0650

In accordance with the Community Events Procedure, the event promoter, Schaunta James-Boyd is coordinating and with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

St. Marks C.E. Tyree Clinic Community Day 2K Walk/Run 7:00 am – 10:00 am and Community Day 7:00 am to 5:00 pm, July 28, 2007.

- Lorraine Street, 14th Street to 15th Street
- 14th Street, Lorraine to Vassar
- 15th Street, Fairmount to Gentry
- Gentry Street, 15th Street to 16th Street
- 16th Street, Gentry to Vassar Street
- Lorraine Street, 14th Street to 15th Street 7:00 am – 5:00 pm for Community Day activities.

Client will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period. Blockades will be removed immediately upon completion of the event.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Enhance the Quality of Life

Motion--

Brewer moved to approve the request subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department. (3) Certificate of Liability Insurance on file with the Community Events Coordinator. Motion carried 6 to 0, (Williams absent).

--carried

STREET CLOSURE **STREET CLOSURE-INTERSECTION OF MAIZE ROAD AND PAWNEE. (DISTRICT IV)**

Agenda Report No. 07-0680

Background: APAC Kansas, Inc. has contracted to reconstruct Pawnee Avenue from Yellowstone to 119th St. in west Wichita. This project was approved by the City Council on January 10, 2006. W. B. Carter Construction Inc. is a subcontractor for APAC Kansas and is installing an 8' x 6' storm drain RCB along and under Pawnee from east of Maize Road to the west. This drainage structure is 20' deep as it crosses under the south portion of the intersection of Maize Road and Pawnee. Due to unstable soil conditions, a larger area for excavation will be required than originally planned. For traffic safety, a 2 day closure of Maize Road will be required to install this 8' x 6' RCB Stormwater sewer through the intersection of Pawnee & Maize Road. The installation of the storm drain RCB is scheduled to begin approximately 9:00 am, Friday, July 13th and completion is expected by 9:00 pm, Saturday, July 14th.

Analysis: During the street closure, residents along Maize Road between Kellogg and K-42 will need to access the area from either north or south of Pawnee. W. B. Carter Construction Inc. is responsible for the placement of the required detour and construction signs and barricades and the notification of area businesses and residents. During the closure Maize Road traffic will be detoured as follows:

Northbound Maize Road traffic will be detoured east on K-42, then north on Tyler Road to the north Kellogg Frontage Road, then west to return to Maize Road

Southbound Maize Road traffic will be detoured east on the south Kellogg Frontage Road to Tyler Road, then south on Tyler Road to K-42, then west to return to Maize Road

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This project addresses the Efficient Infrastructure goal by improving the traffic flow through a major traffic corridor.

Motion--carried

Brewer moved that the City Council approve the street closure. Motion carried 6 to 0, (Williams absent).

KELLOGG/ZELTA

KELLOGG FRONTAGE ROAD NEAR ZELTA. (DISTRICT II)

Agenda Report No. 07-0651

On June 10, 1997, the City entered into an Agreement with Cook, Flatt & Stroebel, Engineers (CF&S) to begin preliminary design for East Kellogg, from Edgemoor to 127th Street East. On May 8, 2001, the City entered into an agreement with CF&S to prepare construction plans for the Kellogg and Rock Road Interchange, which included all construction from west of Armour to near the Kansas Turnpike. The Kellogg/Rock Interchange and associated improvements are under construction.

Private drainage projects on the north side of Kellogg near Zelta do not cross Kellogg. As a result, a significant drainage structure under Kellogg is needed. A supplemental agreement with CF&S to design the project has been prepared.

Payment to CF&S will be on a cost plus fixed fee basis in an amount not to exceed \$146,561.05. The funding source is General Obligation Bonds.

This agreement addresses the Efficient Infrastructure goal by providing the engineering needed to provide a safe and efficient transportation system. It addresses the Economic and Affordable Living goal by providing a public improvement which reduces the cost of transportation. It also improves the air quality of the region whereby the goal of a Safe and Secure Community is met by improving environmental health.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Brewer moved the City Council approve Supplemental Agreement No. 8 and authorize the necessary signatures. Motion carried 6 to 0, (Williams absent).

KELLOGG IMPROV.

ENGINEERING SERVICES RELATED TO KELLOGG IMPROVEMENTS BETWEEN WEBB AND GREENWICH. (DISTRICT II)

Agenda Report No. 07-0652

On June 10, 1997, the City entered into an Agreement with Cook, Flatt & Stroebel, Engineers (CF&S) to begin preliminary design for East Kellogg, from Edgemoor to 127th Street East. On May 8, 2001, the City entered into an agreement with CF&S to prepare construction plans for the Kellogg and Rock Road Interchange, which included all construction from west of Armour to near the Kansas Turnpike. The Kellogg/Rock Interchange and associated improvements are under construction.

The Raytheon Company owns the property on the north side of Kellogg, between Webb and Greenwich. Some of their land will be required for the construction of the next segment of east Kellogg. The city is requesting that Raytheon dedicate this land as a part of our negotiations on their Industrial District Agreement renewal. Surveying and staking is required to define the land needed. A supplemental agreement with CF&S to perform this work has been prepared.

Payment to CF&S will be on a cost plus fixed fee basis in an amount not to exceed \$11,298.70. The funding source is General Obligation Bonds.

This agreement addresses the Efficient Infrastructure goal by providing the engineering needed to provide a safe and efficient transportation system. It addresses the Economic and Affordable Living goal by providing a public improvement which reduces the cost of transportation. It also improves the

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air quality of the region whereby the goal of a Safe and Secure Community is met by improving environmental health.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Brewer moved that the City Council approve Supplemental Agreement No. 7 and authorize the necessary signatures. Motion carried 6 to 0, (Williams absent).

WATERMAN/BSNF

WATERMAN STORM DRAIN AND PAVING IMPROVEMENTS, BSNF RAILWAY AGREEMENTS. (DISTRICT I)

Agenda Report No. 07-0653

On February 7, 2006, the City Council approved a project to install a concrete box culvert and reconstruct Waterman between Main and Washington. A part of the work is the construction of a common utility duct bank to be used by Westar and Cox Communication so their facilities will be underground as required by their franchise agreements as well as two water mains. The drainage culvert, duct bank and water mains will be under the BNSF Railway tracks near Mosley.

Agreements have been prepared to establish the basis for the City to construct and maintain the structures within BNSF Railway Company right-of-way. BNSF will remove the at-grade tracks in advance of the City's project and replace the tracks after the City's structures are in place.

The cost for the railway permits is \$68,634. Funds for the payments are available within the existing project budget.

This Agreements address the Efficient Infrastructure goal by improving an important transportation route.

The Law Department has approved the Agreements as to form.

Motion--
--carried

Brewer moved that the City Council approve the Agreements, authorize the necessary signatures and authorize the payments to the BNSF Railway Company. Motion carried 6 to 0, (Williams absent).

TURKEY CREEK

RESPREAD ASSESSMENTS-TURKEY CREEK THIRD ADDITION, NORTH OF PAWNEE, WEST OF 119TH STREET WEST. (DISTRICT IV)

Agenda Report No. 07-0654

The landowners, Kick-N-Development Corp.; John E. Dugan Family Partnership, LP; and John E. & Marilyn K. Dugan, platted Turkey Creek 3rd Addition and have submitted an Agreement to respread special assessments within the Addition.

The land was originally included in an improvement district for a sanitary sewer main project. The purpose of the Agreement is to respread special assessments on a fractional basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis.

There is no cost to the City.

The City of Wichita aggressively uses special assessments to lower the cost of residential developments. In doing so, the City's program satisfies the City Council's goal to promote Economic Vitality and Affordable Living. The program supports this goal through partnering with stakeholders in the development community and sustains affordable living by lowering the costs of home ownership.

The Agreement has been approved as to form by the Law Department.

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Motion-- Brewer moved that the City Council approve the Agreement and authorize the necessary signatures.
--carried Motion carried 6 to 0, (Williams absent).

EDGEWATER ADD. DESIGN SERVICES FOR EDGEWATER ADDITION, SOUTH OF 45TH STREET NORTH, WEST OF HOOVER. (DISTRICT V)

Agenda Report No. 07-0655

The City Council approved the storm water drainage improvements in Edgewater Addition on May 8, 2007.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of storm water drainage in Edgewater Addition. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$69,600 and will be paid by special assessments.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of drainage improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Agreement has been approved as to form by the Law Department.

Motion-- Brewer moved that the City Council approve the Agreement and authorize the necessary signatures.
--carried Motion carried 6 to 0, (Williams absent).

PROP. ACQUIS. PARTIAL ACQUISITION OF 155 SOUTH WEST STREET FOR THE IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Report No. 07-0657

On October 18, 2005 the City Council approved the improvement of West Street between Maple and Central. Existing pavement will be replaced, a center turn lane added, traffic signals will be upgraded and a new storm water sewer will be installed. The project will require the acquisition of all or part of 36 parcels. The tracts include residential, retail and commercial properties. This particular acquisition consists of 850 square foot of parking and landscaping from the retail property at 155 South West Street. The property is improved with a 3,500 square foot masonry retail building on a 11,573 square foot lot.

The appraiser valued the land at \$9,350 (\$11.00 per square foot) with an additional \$2,000 for paving and landscaping and a reduction in value of \$13,318 for lost parking making the total offer \$24,668. The take does not encroach into the building but the right of way line will be underneath the roof overhang. A minor street permit can be granted to allow this encroachment. The owner has agreed to accept this solution for a settlement of \$40,000. The alternative would be to reconfigure the roof and building to eliminate the encroachment and possibly relocate the tenant.

The funding source for the project is General Obligation Bonds. A budget of \$42,000 is requested. This includes \$40,000 for acquisition and \$2,000 for closing costs and title insurance.

The acquisition of this parcel is necessary to ensure efficient infrastructure in the area.

The Law Department has approved the contract as to form.

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Motion--
--carried

Brewer moved that the City Council; 1) Approve the Budget; 2) Approve the Real Estate Purchase Contract and 3) Authorize the necessary signatures. Motion carried 6 to 0, (Williams absent).

PROP. ACQUIS.

PARTIAL ACQUISITION OF 220 SOUTH WEST STREET FOR THE IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Report No. 07-0658

On October 18, 2005 the City Council approved the improvement of West Street between Maple and Central. Existing pavement will be replaced, a center turn lane added, traffic signals will be upgraded and a new storm water sewer will be installed. The project will require the acquisition of all or part of 36 parcels. The tracts include residential, retail and commercial properties. This particular acquisition is the west ten feet of the subject site. The property is commercial and consists of a one-story fast food restaurant. Our proposed right-of-way take is made up of 2,400 square feet.

The proposed 2,400 square foot acquisition was appraised at \$35,000, or \$14.60 per square foot. The improvements consist of parking lot, advertising sign, light poles and a 1982, 3,736 square foot fast food restaurant building. Sixteen, or 30%, of the paved parking spaces will be lost as a result of the take. The advertising sign and light poles will be relocated as a relocation item. No other improvements are impacted. The owner rejected the appraised offer of \$35,000. The appraiser assumed that the highest and best use of the subject site was redevelopment giving the owner no value to the damages the remainder due to the loss of parking spaces. During negotiations, the owner agreed that the property as developed would not support the appraised land values used however, if redeveloped, the site depth is reduced to from 140 feet (a development standard minimum) to 130 feet. By reducing the depth, this can reduce land value. It is reasonable to assume a \$30,000 loss in highest and best use land value by reducing the site. It is recommended that the City accept the \$65,000 counter offer.

The funding source for the the project is General Obligation Bonds. A budget of \$74,500 is requested. This includes \$65,000 for the acquisition, \$7,000 for the advertising sign and \$2,500 for closing costs and title insurance.

The acquisition of this parcel is necessary to ensure efficient infrastructure in the area.

The Law Department has approved the contract as to form.

Motion--
--carried

Brewer moved that the that the Budget and the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Williams absent).

HOME PROGRAM

HOME PROGRAM, HOUSING DEVELOPMENT LOAN PROGRAM FUNDING, HOMEOWNERSHIP 80 PROGRAM FUNDING. (DISTRICT VI)

Agenda Report No.07-0659

During the 2006-2007 Consolidated Plan funding process, a total of \$75,000 in HOME funding was allocated for the Housing Development Loan Program (HDLP). The HDLP is designed to provide subsidies for infill housing projects and to support the development of real estate that is idle or underutilized, and to provide needed housing for underserved populations. Funding may be provided to non-profit or for-profit organizations. The loan structure is dependent upon the type of project to be financed. The program funding may be utilized within the boundaries of the City's Redevelopment Incentives Area (RIA), Neighborhood Revitalization Area (NRA), as well as Local Investment Areas (LIA). Requests for funding under the program are received through an open application basis.

The Housing and Community Services Department has received an application from Wichita Habitat for Humanity, Inc. (Habitat) for HOME funding to be provided through the HDLP, in the amount of \$84,000, in order to subsidize the development of a total of eleven single-family homes in the new

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Habitat Village housing development, which is located near 33rd and N. Arkansas. Completed homes will be sold to income-eligible owner-occupant homebuyers receiving down payment and closing costs assistance through the City's HOMEownership 80 Program.

The homes to be constructed will require HOME program subsidy. HOME funds are usually provided as development subsidy in order to offset acquisition, construction and site improvement expenses, as well as selling expenses and developer/contractor fees. The total of these costs cannot be entirely recovered from sale proceeds due to market constraints and the need to keep the homes affordable for low-income families. Habitat's program provides for the utilization of volunteers, donations, and labor contribution on the part of the homebuyer, in connection with the construction of its homes. The HOME Program subsidies will be used to offset costs incurred for components that are not constructed by volunteers, such as foundations and plumbing. The HOME Program construction subsidy is estimated to be \$7,636 per unit.

Housing and Community Services has determined that the application meets the criteria of the HDLP, and that the project will assist the City in achieving its neighborhood revitalization and consolidated plan goals. Original funding for the HDLP has been expended on other contracts, however additional funds are available from unallocated HOME Program income funds due to loan repayments. Housing and Community Services has received \$335,268.20 in program income, for the 2005-2006 program year, and thus far for the 2006-2007 program year.

Therefore, staff recommends the following: funding of the Habitat application, in the amount of \$84,000, in order to subsidize the construction of eleven homes; allocation of an additional \$79,200 from unallocated HOME program funds, to the HOMEownership 80 Program, in order to assist homebuyers purchasing homes to be developed under the proposed HDLP funding. The initial allocation of HOMEownership 80 Program funding did not include down payment assistance that will be needed for the eleven additional homes that will be developed as a result of the allocation of the recommended HDLP funding for Habitat; and, allocation of \$33,526.82 for HOME Program administration, which is allowable under federal regulations for the HOME program.

HOME funding for the proposed HDLP projects will be provided in the form of zero-interest, forgivable participation construction loans. Allocated funding will provide for construction of up to a total of eleven homes.

Projects to be funded under the subject HOME funding agreement will contribute to the goal of Economic Vitality and Affordable Living.

Funding provided under the HDLP must be approved by the City Council. The funding agreement has been drafted by Housing and Community Services staff and approved as to form by the City Law Department. Assistance loans provided to homebuyers for the purchase of homes constructed under the HDLP are secured with a mortgage on the property. The mortgage serves as the long-term deed restriction required under the HOME regulation to preserve affordability.

Motion--

--carried

Brewer moved that the recommended HDLP allocation, the HOMEownership 80 allocation and the allocation for HOME Program administration be approved and the necessary signatures authorized. Motion carried 6 to 0, (Williams absent).

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HOME CHDO

HOME CHDO HOUSING DEVELOPMENT FUNDING AGREEMENTS. (DISTRICTS I, III, IV, V, AND VI)

Agenda Report No. 07-0660

On April 3, 2007, the City Council approved an allocation of \$275,000 in HOME funding for housing development projects to be carried out by three of the City's designated Community Housing Development Organizations (CHDO's), as part of the Consolidated Plan funding process. The following allocations were approved:

- \$150,000 for Mennonite Housing Rehabilitation Services, Inc. (MHRS)
- \$88,500 for Power CDC
- \$36,500 for Wichita Indochinese Center, Inc. (WIC)

The City Council also approved an allocation of \$200,000 for the CHDO Boarded-up House Program. This program provides a means for CHDO's to obtain zero-interest, forgivable loans to address blighted housing in the City's Local Investment Areas (LIA's). City-approved CHDO's with experience in single-family housing development are eligible for participation in the program, and may utilize the funding to acquire boarded-up or otherwise blighted structures for the purpose of rehabilitation or demolition and construction of a new home.

Staff has identified a total of \$3,510.95 in 2004 HOME CHDO set-aside funding remaining from a completed CHDO development project. Since the funding is insufficient to complete an additional project, and may only be used to fund CHDO-developed projects, staff is requesting re-allocation of this funding to the 2007-2008 CHDO funding allocations, on a pro rata basis based on 2007 allocations, in order to supplement funding levels.

In accordance with funding allocations previously approved by the City Council and adding the pro-ration of prior-year unspent funding, Housing and Community Services is requesting approval for the following HOME funding agreements:

- \$151,914.87 for MHRS, in order to partially finance the development of at least seven new homes in the City's Local Investment Areas;
- \$36,966.26 for WIC, in order to partially finance the construction of at least one new home in either the Northeast Local Investment Area, or the Planeview Local Investment Area.
- \$89,629.82 for Power CDC to partially finance the development of at least three new homes in the City's Northeast Local Investment Area;
- \$200,000 for the 2007-2008 Boarded-up House Program. MHRS, CHS, Power CDC and Wichita Indochinese Center, Inc., will be parties to the agreement;

All homes constructed or rehabilitated with HOME funding will be sold to income-eligible, owner-occupant families receiving down payment and closing costs assistance through the City's HOMEownership 80 Program.

Total project cost of the three new CHDO housing development projects and the Boarded-up House Program is estimated to be \$1,875,000. HOME funding may be utilized to cover the costs involved in acquisition, rehabilitation and/or construction, site improvements, developer fees, and when necessary, demolition, for 17 homes. Each CHDO will leverage HOME funds with private sector construction loans or other financing. CHDO's participating in the Boarded-up House Program will also leverage HOME funds with private sector construction loans.

Projects to be funded under the subject HOME contracts will contribute to the goal of Economic Vitality and Affordable Living.

All funding agreements referenced herein, have been approved as to form by the City Law Department. HOME regulations require completion of HOME-eligible projects on sites purchased with HOME funds. With the exception of the funding allocated for the Boarded-up House Program, the CHDO project funding is provided as part of the City's mandatory 15% set-aside for eligible CHDO's.

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Motion-- Brewer moved that the HOME funding agreements for MHRS, WIC and Power CDC, and the new funding agreement for the Boarded-up House Program be approved and the necessary signatures authorized. Motion carried 6 to 0, (Williams absent).
--carried

INTERLOCAL

NEIGHBORHOOD REVITALIZATION PLAN INTERLOCAL AGREEMENT. (DISTRICTS I, III, IV, AND VI)

Agenda Report No.07-0661

On April 17, 2007 the City Council approved the Neighborhood Revitalization Plan and the Interlocal Agreement.

The Interlocal Agreement between the Unified School District 259 and the Board of County Commissioners of Sedgwick County and the City is necessary to implement the Kansas Tax Rebate Program. A minor correction is required, changing the Neighborhood Revitalization Plan adoption date from March 20, 2007 to April 17, 2007. Also, at the request of the Sedgwick County Counselor's Office, the Agreement is being modified to remove Robert W. Parnacott as the Assistant County Counselor and substitute Patricia J. Parker at the Assistant County Counselor.

The minor corrections will not have any impact on the Neighborhood Revitalization Plan or the Interlocal Agreement.

The Neighborhood Revitalization Plan addresses the indicators for the Support Dynamic Core Area and Vibrant Neighborhoods goal.

The minor corrections are not substantial and will not require Mayor to re-execute the Interlocal Agreement.

Motion-- Brewer moved that the minor correction and the substitution of the Assistant County Counselor be approved. Motion carried 6 to 0, (Williams absent).
--carried

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JULY 3, 2007)

- a. 21st Street Bridge Rehabilitation over the Arkansas River. (District VI)

ORDINANCE NO.47-509

An ordinance declaring the 21st street bridge at the Arkansas river (472-84569) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer, (Williams absent).

- b. Mt. Vernon Improvement, between the Arkansas River and Broadway. (District III)

ORDINANCE NO. 47-510

An ordinance amending ordinance no. 46-851 of the city of Wichita, Kansas declaring Mt. Vernon, between Broadway and the Arkansas river (472-84289) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer, (Williams absent).

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- c. A07-13R-Request by Wanda Klein to annex land generally located south of 47th Street South, between West Street and Meridian Avenue. (District IV)

ORDINANCE NO. 47-511

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas. , read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer, (Williams absent). (A07-13)

NEW BUSINESS

2008/2009 BUDGET

2008/2009 ANNUAL OPERATING BUDGET AND 2007-2016 CAPITAL IMPROVEMENT PROGRAM.

George Kolb

City Manager reviewed the item.

Agenda Report No. 07-0662

In accordance with state law, the City submits the annual budget to the state for certification of each fund on or before August 25. The City of Wichita prepares a two-year rolling budget; however, only the first year of the two is officially adopted. The City also revises the current year budget. The 2008/2009 Proposed Budget revises the current year (2007), proposes a budget for the ensuing fiscal year (2008) and projects a budget for the second succeeding year (2009).

The City also prepares a ten-year capital budget. The 2007-2016 Proposed Capital Improvement Program (CIP) also reviews the current year and proposes a program for the ensuing nine years. The CIP lays the foundation for the City's strategic vision for the next decade.

Taken together, the City's annual operating budget and the capital budget are the twin pillars of financial planning for programs, projects and services to the community for the next year and the next generation.

Operating Budget - The local operating budget totals approximately \$496 million (which does not include internal service funds, capital projects, grant funds, trust funds or interfund transfers) with a mill levy of 31.953 mills (21.953 for the General Fund and 10 for the Debt Service Fund). The 2008 Budget is balanced and does not require a mill levy rate increase for the fourteenth consecutive year. Some highlights of the budget include:

- To enhance community safety through lower response times, 31 new firefighters are added to staff three additional stations.
- To maintain the safety of schools and the mentoring of youth, 22 School Resource Officers are funded in partnership with USD 259.
- To continue the affordable airfares initiative, nearly \$1 million is budgeted in partnership with Sedgwick County and the State of Kansas.
- To fund needed capital investment in the Water Utilities, rate increases of 3% in 2007 and 6% in 2008 and 2009 are proposed.
- To maintain streets, a total of \$5.6 million is included. This will provides less miles of a lower outcome of street maintenance due to higher material costs and a lower level of funding from the prior year.
- To enhance cultural vibrancy and opportunities in Wichita, the budget includes a full mill of funding for the cultural arts to fund 27 entities with over \$3 million.
- To enhance the quality of play at municipal courses, a fee increase of \$2 is proposed to fund clubhouse and other capital improvements.
- To enhance code enforcement and improve customer service, neighborhood code enforcement functions are consolidated within the Office of Central Inspection.

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- To enhance mowing rotations and accommodate additional mowing responsibilities, the budget invests in additional and new equipment for Park Maintenance.
Capital Improvement Program – The Capital Improvement Program totals over \$2 billion over a 10-year time span with no increase in the 10 mill levy allocation, a decrease in federal dollars, maintaining the allocation of sales tax and an increase in utility fees and charges. There are no revenue enhancements and minimal changes to previously approved projects. Some highlights of the program include:

Safe and Secure:

- Police substations, one replacement and one new
- Heartland Preparedness Center for law enforcement training
- Development of a regional Fire Training Center
- Completion of fire stations
- Animal Shelter

Economic Vitality and Affordable Living

- Air terminal
- Land acquisition

Efficient Infrastructure

- 75 street and 13 bridge projects
- Aquifer Storage and Recovery (Water supply plan)
- Rehabilitation/reconstruction of water and sewer systems

Quality of Life

- Central Library
- CII Improvements
- Golf Courses
- Other public facilities

Core Area and Neighborhoods

- Land Bank
- Neighborhood plans

The proposed capital and operating budget does not include a mill levy rate increase as presented, based on the estimated assessed valuation provided by the Sedgwick County appraiser and the taxes levied in the budget.

The 2008 Proposed Budget serves as the operational guide of the City and as such impacts all goal areas.

To comply with State law, the City of Wichita must hold two public hearings, one to set the maximum levy and one to adopt the budget. The proposed calendar attempts to maximize citizen and City Council input by providing a maximum number of budget presentations, workshops and public hearings.

The 2007 City Budget calendar

July 10 – Official presentation of the proposed budget to the City Council; receive public comment

July 16 – Evening (6:30 – 8:30) District Advisory Board (combined all districts)

July 17 – Receive public comment

July 24 – City Council authorization of the publication notice (after which the mill levy may decrease, but may not be increased); receive public comment

August 7 – Receive public comment

August 14 – Official public hearing; adoption of the 2008 Annual Budget

August 25 – File the certified budget for all operating funds with the County Clerk

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The 2007-2016 City Capital Improvement Program calendar (tentative)

July 10 – Official presentation of the proposed capital budget to the City Council; receive public comment

July 16 – Evening (6:30 – 8:30) District Advisory Board (combined all districts)

July 17 – Receive public comment

August 7 – Receive public comment

August 7 – Tentative adoption of the 2007-2016 Capital Improvement Program

- Council Member Fearey Council Member Fearey stated that she is not making a statement pro or con for casinos but if it were in the downtown Wichita, there would be significant property tax coming in from it.
- George Kolb City Manager stated he is taking the same position but there will be an impact both positive and negative. Stated yes there will be more income coming in but on the other side, there is some expense that we can expect.
- Council Member Skelton Council Member Skelton stated that there has been talk about the funding for railroad overpasses and right now we do have inadequate funding and the one that he would like to see built in southeast Wichita is over a \$50 million dollar project. Stated we have about \$26 million in the CIP, and asked if there is a way to advocate through the feds or the railroads to try and get more funding for railroad overpasses.
- George Kolb City Manager stated that the first step is for the Council to decide which project they want to take on and if they want to continue with the current project, which they have made significant investment in but at the same time we do need to meet with the other partners such as the state, feds, and railroads and sit down and determine what is the most appropriate strategy for getting that done.
- Council Member Skelton Council Member Skelton asked about the time line for construction for new fire stations.
- George Kolb City Manager explained the first fire station is projected to be built in the spring of 2008 and hope to be completed with all three fire stations by the end of 2008 and no later than the first part of 2009.
- Council Member Skelton Council Member Skelton asked about 1% of the CIP being used for architectural enhancements.
- George Kolb City Manager explained that the CIP does not set 1% funds aside for arts and it is done project by project. Stated it depends on the project itself and a rule of thumb is on any given project will try and set aside 1% to be dedicated for art design and inclusion of art deco but to go back and calculate what that is going to be is just a guess.
- Council Member Skelton Council Member Skelton stated that Staff has said that some projects that were initiated are not on the CIP and he has a draft that does not have a column for 2006. Asked if they would include that on the final or next revision of this draft to see what has been done. Stated he was looking for his drainage projects and there is a park at 55th South and Hydraulic that he has discussed with the Park Department but does not see anything on there.
- George Kolb City Manager stated he would receive later today, the proposed draft of the CIP and it will include all current projects and projects that were not included.
- Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard.
- Karl Peterjohn Mr. Peterjohn stated he is the Executive Director of the Kansas Tax Payers Network and shared some information he received from the county appraiser and expressed concerns about property valuations. Urged the Council if they get in a situation where they feel that the budget has to be funded with additional tax increase or additional resources should get voter approval if the property tax has to be raised. Stated this is quite common place in other communities and other states.

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- Debbie Cain Ms. Cain stated that Mr. Peterjohn should not compare Wichita to Overland Park because Wichita is an older city and has fewer large buildings. Stated if we are going to make comparisons we need to do it with comparable areas.
- Mayor Brewer Mayor Brewer requested that the schedule for public discussion on the 2008/2009 budget be put on Channel 7.
- Motion-- Brewer moved that the 2007-2016 Capital Improvement Program, 2008 Proposed Budget and
--carried public comment be received. Motion carried 6 to 0, (Williams absent).

STAR BONDS

STAR BONDS FOR RIVER DISTRICT REDEVELOPMENT PROJECT. (DISTRICT I)

Allen Bell Economic Development Administrator reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Report No.07-0663

On September 10, 2002, the City Council approved the Development Agreement and Master Plan for the WaterWalk Redevelopment Project, located in the East Bank Redevelopment District in downtown Wichita (Resolution No. 02-402). On March 25, 2003, the City Council approved a revision of the Site Plan in the Development Agreement, approving the vacation of Lewis Street within the project area and the construction of a new street connecting Waterman and Lewis streets.

On September 16, 2003 and December 2, 2003, the City Council approved a revised Master Plan and amendments to the Development Agreement to incorporate a major destination retail facility based on the use of STAR bond financing and contingent upon approval from the State Secretary of Commerce. On December 30, 2003, the Governing Body adopted Resolution No. 03-671, authorizing issuance of general obligation bonds for Phase I of the River Corridor Improvement Project. On September 21, 2004, the City Council adopted Resolution 04-534 to enlarge the East Bank Redevelopment District and (amending Resolutions Nos. 02-402 and 03-671) to facilitate the use of STAR bonds for financing a part of the cost of the River Corridor Project infrastructure, instead of the destination retail facility.

Staff identified the River Corridor project as eligible for STAR bond financing and compatible with the public improvements in the WaterWalk Project. The enlargement of the East Bank Redevelopment District permitted WaterWalk and the River Corridor Improvements to be merged into a single redevelopment project ("The River District") for the purpose of applying to the State Department of Commerce for special obligation STAR bond financing. A required independent marketing study affirms that the River District project will satisfy the State's requirement for the project to generate \$50 million in gross annual retail sales. Likewise, the project will satisfy the minimum \$50 million capital investment requirement. Construction is completed on Phase I of the River Corridor Improvement project and it is now necessary to arrange permanent financing.

A total not-to-exceed amount of \$13,000,000 to be paid from special obligation (STAR) bonds (excluding underwriting and issuance costs) is being requested to pay for a portion of the River District Redevelopment Project. Upon approval of all statutory steps, including approval from the State Secretary of Commerce, STAR bonds would be used to finance eligible costs. State law allows bonds to be issued for up to twenty (20) years. Likely, these bonds would be issued for fifteen (15) years. A required feasibility study concludes that a total of \$14,720,000 would be needed to satisfy the financing, issuance/underwriting costs, and allow for a reserve. The study further determined that the cash flow would be sufficient to retire the bonds as early as 2012.

Statutory procedures and Department of Commerce guidelines to establish legal authority to issue STAR bonds require a formal project plan which must include an independent market study to ensure the project will satisfy state economic development objectives and an independent financial feasibility study. These studies have been done and affirm the viability of the project. The STAR bonds process also requires review by the local planning commission and adoption and publication of a resolution setting a public hearing for the project. The STAR bond project plan must also be approved by the

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Kansas Secretary of Commerce. Recent legislative amendments to the STAR bond authorizing statute allow until July 31 for a formal STAR bond application from City Wichita to be received by the Secretary of Commerce.

The proposed special bond project has been presented to and reviewed by the Wichita-Sedgwick County Metropolitan Area Planning Commission. On May 22, 2007, the City Council adopted Resolution 07-314 setting July 10, 2007 as the date for an official public hearing on the River District Redevelopment Project. Notices of the public hearing were published in The Wichita Eagle and copies of the public hearing resolution were sent to the Unified School District 259 School Board and the Sedgwick County Commission.

By law, STAR bonds must be issued as special obligation bonds, payable solely from incremental sales tax revenues generated within the redevelopment district. The total not-to exceed amount of improvements that can be funded with STAR bonds is \$13,000,000 dollars (excluding underwriting and issuance costs), based on the financial feasibility study that is included in the project plan. The total cost of the entire River District Redevelopment Project is \$155.8 million, with \$87 million provided from private investment and \$68.8 million of public investment, which includes the STAR bond-funded improvements.

The City Council's goal for Economic Vitality and Affordable Living is advanced through the use of STAR bonds to partner with and leverage investment from local developers to create a commercial, residential, tourist and recreational site that will add jobs and other economic value to the City. The Quality of Life goal is also served by providing new and unique entertainment and retail venues that will enhance the satisfaction of residents and improve Wichita's competitive position as a desirable place to live and work.

The ordinance has been reviewed and approved as to form by the Law Department. The use of special obligation bond funds for this project must be authorized by the City Council and approved by the State Secretary of Commerce before bonds may be issued. The City must follow the statutory procedures to establish the legal authority to issue STAR bonds.

- Council Member Gray Council Member Gray asked how much sales tax revenue has been generated from Gander Mountain in the past two years that it has been there?
- Allen Bell Economic Development Administrator explained that it is slightly more than \$19 million in sales, based on the reports they have. Stated those reports are based on their company wide sales per store reduced to a per square foot amount. Stated the company has not been willing to provide to us directly the sales amount but has provided it to the developers who have a confidentiality agreement with them. Stated in discussions with the developers and the store we have been assured that they are doing above average for the company and believe that is a conservative number.
- Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard.
- (Council Member Gray momentarily absent)
- Karl Peterjohn Mr. Peterjohn expressed his concerns with the amount of money being spent on this project and asked if there has been a real return on investment. Urged the Council to proceed cautiously, to get all of the information, and to get the history of this project. Stated a lot of money has been spent downtown but he does feel there has been a good clear examination of where that money has been spent and what we have actually received for it. Asked if downtown is bustling, vibrant, and growing and thinks those are basic questions that need to be asked before the Council proceed here and urged the Council to be cautious and get additional information before a new mortgage is placed on the people in this community.

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- Ed Wolverton Mr. Wolverton stated he is here to voice support for the Star Bond application and that this was an effort from Downtown Development Corporation, the Chamber of Commerce, and the City to allow the use of a state tool to our community and ended opening up to the entire state of Kansas. Stated this was a tool that was only available in Wyandotte County before our intervention and the ability to make this a state wide tool for economic development. Stated we work very closely to have that happen and literally change state law, which has been a very long arduous process and wanted to express their support for the application and urge the Council to move forward.
- Mayor Brewer Mayor Brewer stated we must do everything necessary to be able to create a healthy downtown environment and we are always comparing ourselves to Kansas City and Wyandotte County and they have been stepping outside of the box and doing things just like we are talking about here. Stated at one point in time they were the only ones using Star Bonds and that is how they have ended up with what they have. Stated you have to take some risks and work hard and feels that we have done that and we still have work to do and he will be supporting this today and will support it when he goes to Topeka and has already spoke to the Governor. Stated we are going to do whatever is necessary to make Wichita a first class City.
- Motion-- Brewer moved that the City Council close the public hearing and approve the first reading of the ordinance adopting the River District Redevelopment Project Plan. Motion carried 6 to 0, (Williams absent)
--carried
- George Kolb City Manager asked to temporarily pass over item 18. GOB and Note Sale. Stated we are experiencing a little difficulty.

(Item 18, Action shown in agenda order)

GO BONDS

GENERAL OBLIGATION BOND AND NOTE SALE.

Kelly Carpenter

Finance Director reviewed the item.

(Mayor Brewer left the bench, Vice-Mayor Fearey in the chair)

Agenda Report No 07-0664

The City is offering for sale one series of general obligation temporary notes in an amount not to exceed \$65,140,000 (Series 220) and two series of general obligation bonds (Series 790 and 790A) in an amount not to exceed \$15,315,000 for the purpose of providing interim and permanent financing for capital improvement projects of the City, and two series of general obligation bonds (Series 959 and 960) in an amount not to exceed \$11,775,000 for the purpose of providing permanent financing for Tax Increment Finance (TIF) related projects of the City.

The proceeds from the sale of the Series 220 Improvement and Renewal Notes will be used to provide interim financing for City-at-large, improvement district projects and improvements located within the East Bank Tax Increment Financing District. The proceeds from the sale of the Series 790 and 790A Bonds will be used to permanently finance neighborhood improvements located in special improvement districts. The proceeds from the sale of the Series 959 (taxable) and 960 (non-taxable) Bonds will be used for improvements located within the East Bank Tax Increment Financing District.

Bids will be accepted electronically through I-Deal, LLC/PARITY Electronic Bid Submission System until 10:00 a.m. CST in the Finance Conference Room, at which time the bids will be publicly opened. No bids will be accepted after the 10:00 a.m. deadline. The bids will be verified, tabulated and presented to the City Council at its earliest convenience following the tabulation of the bids. By law, the City must award the sale of the bonds and notes to the bidder whose proposed interest rates result in the lowest true interest rate.

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The Series 220 Temporary Notes will mature February 7, 2008, and will be retired using cash, the proceeds of both permanent financing bonds and renewal notes issued at that time. The Series 790 Bonds will mature serially over fifteen years and will be paid from special assessments that are levied against benefited property. The Series 790A Bonds will mature serially over twenty years and will be paid from special assessments that are levied against benefited property. The Series 959 and 960 TIF Bonds will mature serially over fifteen years, with principal maturities structured to produce payments which fall within the net tax increment revenue stream. The TIF Bonds are payable from the collection of property taxes to the Sedgwick County Treasurer and paid to the City Treasurer. The Series 790, 959 and 960 Bonds will be callable in 2014 and the Series 790A Bonds will be callable in 2017, each with a 1% call premium, in accordance with the City's debt management policy.

This item impacts the Economic Vitality/Affordable Living and Internal Perspectives through the temporary and permanent financing of capital improvements and offering the City's debt obligations through competitive sale.

Bond Counsel will review and approve the bids and the Law Department will approve the authorizing Ordinances and Resolutions which have been prepared by Bond Counsel.

Vice-Mayor Fearey

Vice-Mayor Fearey inquired whether anyone wished to be heard.

Karl Peterjohn

Mr. Peterjohn stated he got confused earlier in his comments concerning item 17 and a large part of his comments also applies to this item, which were comments about bonded indebtedness. Stated clarification would be helpful with the newspaper saying in today's paper that 31% of the budget is for bonded indebtedness and the presentation that the City Manager gave earlier said it was 16.7%. Stated this is a mortgage on the entire community.

Motion--

Vice-Mayor Fearey moved to direct the opening and reading of the bids; award the sale of the Bonds and Temporary Notes; and find and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the Bond and Note Ordinances on the date of their introduction, adopt the Bond and Note Ordinances and Resolutions and authorize the publication thereof. Motion

--carried

carried 5 to 0, (Williams and Brewer absent).

ORDINANCE NO. 47-512

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 790, of the city of Wichita, Kansas, in the total principal amount of not to exceed \$12,740,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the city; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds. Vice-Mayor Fearey moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, (Williams and Brewer absent).

ORDINANCE NO. 47-513

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 790A, of the city of Wichita, Kansas, in the total principal amount of not to exceed \$2,575,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the city; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds. Vice-Mayor Fearey moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, (Williams and Brewer absent).

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ORDINANCE NO. 47-514

An ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 959 (taxable under federal law), of the city of Wichita, Kansas, in the total principal amount of not to exceed \$4,390,000, for the purpose of providing the necessary funds to pay redevelopment costs in connection with the east bank redevelopment district; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds. Vice-Mayor Fearey moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, (Williams and Brewer absent).

ORDINANCE NO. 47-515

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 960, of the city of Wichita, Kansas, in the total principal amount of not to exceed \$7,385,000, for the purpose of providing the necessary funds to pay redevelopment costs in connection with the east bank redevelopment district; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds. Vice-Mayor Fearey moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, (Williams and Brewer absent).

ORDINANCE NO. 47-516

An Ordinance authorizing and providing for the issuance of general obligation temporary renewal and improvement notes, series 220, of the city of Wichita, Kansas, in the total principal amount not to exceed \$65,140,000, for the purpose of providing the necessary funds to renew a portion of the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the city, and for the interim financing of costs in connection with newly commenced capital improvements in the city; providing for the payment of the principal of and interest on the notes; and making certain other covenants and agreements with respect to the notes. Vice-Mayor Fearey moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, (Williams and Brewer absent).

RESOLUTION NO. 07-393

A Resolution providing for the issuance of General Obligation Bonds, Series 790, of City of Wichita, Kansas, in the total principal amount of \$12,740,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; prescribing the terms and details of the bonds; and making certain other covenants and agreements with respect to the bonds, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, (Williams and Brewer absent)..

RESOLUTION NO. 07-394

A Resolution providing for the issuance of General Obligation Bonds, Series 790A, of the City of Wichita, Kansas, in the total principal amount of \$2,575,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the city; prescribing the terms and details of the bonds; and making certain other covenants and agreements with respect to the bonds, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, (Williams and Brewer absent).

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RESOLUTION NO. 07-395

A Resolution providing for the issuance of General Obligation Bonds, Series 959 (taxable under federal law), of the City of Wichita, Kansas, in the total principal amount of \$4,390,000, for the purpose of providing the necessary funds to pay certain redevelopment costs in connection with the east bank redevelopment district; prescribing the terms and details of the bonds; and making certain other covenants and agreements with respect to the bonds, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, (Williams and Brewer absent).

RESOLUTION NO. 07-396

A Resolution providing for the issuance of General Obligation Bonds, Series 960, of the City of Wichita, Kansas, in the total principal amount of \$7,385,000, for the purpose of providing the necessary funds to pay certain redevelopment costs in with the East Bank Redevelopment District; prescribing the terms and details of the bonds; and making certain other covenants and agreements with respect to the bonds, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, (Williams and Brewer absent).

RESOLUTION NO. 07-397

A Resolution providing for the issuance of General Obligation Temporary Renewal and Improvement Notes, Series 220, of the City of Wichita, Kansas, in the total principal amount of \$65,140,000, for the purpose of providing the necessary funds to renew a portion of the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the city, and for the interim financing of costs in connection with newly commenced capital improvements in the city; prescribing the terms and details of the notes; providing for the payment of the principal of and the interest on the notes, and making certain other covenants and agreements with respect to the notes, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, (Williams and Brewer absent).

PETITION

PETITION TO PAVE ALTA FROM APPROXIMATELY 325' WEST OF ELLIS TO HYDRAULIC. (DISTRICT III)

Jim Armour

City Engineer reviewed the item.

(Council Member Schlapp momentarily absent)

Agenda Report No. 07-0666

The signatures on the Petition represent 26 of 54 (48.1%) resident owners and 50.5% of the improvement district area. District III Advisory Board sponsored a June 7, 2006, neighborhood hearing on the project. The Board deferred action on the Petition and asked Public Works-Engineering Staff to hold a neighborhood meeting with affected property owners. The neighborhood meeting was held on June 29, 2006. On July 5, 2006, District III Advisory Board again considered the Petition. The Board voted 8-3 to recommend approval of the project. On August 15, 2006, the City Council held a public hearing on the project. The Council deferred action on the project.

The project will provide paved access to a developed residential area.

The estimated project cost is \$300,000 with \$294,944 assessed to the improvement district and \$5,056 paid by the City. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.33 per square foot of ownership. The City share is for the cost of intersection construction. The funding source for the City share is General Obligation Bonds.

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This project addresses the Efficient Infrastructure goal by providing street paving in an existing residential neighborhood.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of the property in the improvement district.

The signatures of the Petition represent 26 of 54 (48.1%) resident owners and 50.5% of the improvement district area.

- Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard.
- John Coleman Mr. Coleman stated he resides at 1633 Alta and he would like to beg to differ on the validation of the petition. Stated the way this was represented to the neighborhood was a lie and asked the Council to provide another petition to allow the people that did not get to see it before they signed it.
- Council Member Skelton Council Member Skelton asked Gary Rebenstorf if this is a valid petition.
- Gary Rebenstorf Director of Law stated yes and under state law once a petition is submitted, the only time the person can withdraw their name or petition can be changed any way is a seven day period prior to the Council Meeting and that period has passed.
- Council Member Skelton Council Member Skelton stated there are no lies here and he does not appreciate that comment. Stated there may be some misunderstandings on Mr. Coleman's part.
- Willie Smallwood Mr. Smallwood stated he lives on Alta and when this issue came up before, his dispute on paving this was that the information that was provided as far as the costs of paving the road, was not correct. Stated when the petition originally came around he was told how much that road would cost to be paved and at that time he was for it. Stated later information came out with the exact cost for paving and after that they circulated a protest petition against the original petition and it was circulated and signed by several people after they found out the actual costs. Stated they did not have correct information that included the seven day period. Stated he feels this petition should be looked at and feels it is not a valid petition. Stated the costs for paving is off by \$10,000.00 a household and that is why he is pursuing this matter. Stated the people did not know what the true cost of the paving was when they signed the original petition. Stated he would like to void this and send another one through.
- Council Member Gray Council Member Gray explained that the total assessment would be \$6,939.00, which shows that your annual payment would be \$580.00. Stated this could go up 1% per month but no more and if you added 12% to this it would be another \$800 to \$900.00 for the total fee. Stated he does not know where Mr. Smallwood is getting the total cost of being closer to \$20,000.00.
- Willie Smallwood Mr. Smallwood stated it was mentioned in the paperwork he received.
- Council Member Gray Council Member Gray stated that what he is looking at shows that his annual payment would be \$557.00 a year, which breaks down to less than \$50.00 a month.
- Motion-- Skelton moved that the City Council approve the Petition, adopt the Resolution and authorize the necessary signatures. Motion carried 6 to 0, (Williams absent).
--carried

RESOLUTION NO. 07-399

Resolution of Findings of Advisability and Resolution authorizing constructing pavement on Alta from the west line of Hydraulic to a point approximately to the east line of south Pattie Circle, west of Hydraulic, south of MacArthur, 472-84437, in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Skelton moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer, (Williams absent).

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MEAD STREET

MEAD STREET IMPROVEMENT BETWEEN THIRD STREET AND CENTRAL. (DISTRICT VI)

Jim Armour

City Engineer reviewed the item.

Agenda Report No.07-0667

Mead Street, between 3rd and Central, is an unpaved road that drains poorly and is very difficult to maintain. The adjacent area contains commercial buildings and an electric transformer substation. Attempts to obtain a valid paving Petition to improve the street to an urban standard have not been successful. On June 5, 2007, the City Council adopted a Resolution to order a public hearing on July 10, 2007, to consider ordering in the project.

The completed project will be a two lane concrete roadway with on-street parking, landscaping, trash enclosures and ornamental streetlights. It will improve access to adjoining businesses and will serve as a northern gateway to the Old Town District.

The estimated project cost is \$530,000 with \$295,000 assessed to the improvement district and \$235,000 paid by the City. The proposed method of assessment is the square foot basis. The estimated rate of assessment to individual properties is \$2.29 per square foot of ownership. The City share is for the cost of the parking spaces and project amenities. The funding source for the City share is General Obligation Bonds, which is proposed to be included in the 2007-16 CIP.

The project addresses the Efficient Infrastructure goal by providing paved access in an existing commercial area and improved access to Old Town.

State Statutes provides the authority for the City Council to order in paving projects.

Mead Street between Third Street and Central is an unpaved road that drains poorly and is very difficult to maintain.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Fearey moved that the City Council approve the project, adopt the Resolution and authorize the necessary signatures. Motion carried 6 to 0, (Williams absent).

RESOLUTION NO. 07-401

Resolution of findings of advisability and resolution authorizing construction pavement on Mead from the south line of Central to the north line of 3rd Street North, 472-84561, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer, (Williams absent).

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(Item 18)
GOB/NOTE SALE

GENERAL OBLIGATION BOND AND NOTE SALE

(Action is shown in agenda order)

(Mayor Brewer left the bench, Vice-Mayor Fearey in the chair)

EQUUS BEDS

EQUUS BEDS RECHARGE PROJECT, PHASE II.

Dave Warren

Director of Water and Sewer reviewed the item.

Agenda Report No. 07-0668

On October 3, 2000, the City Council approved and instructed Staff to begin implementation of the Concept Design Plan for the Integrated Local Water Supply Plan. The Integrated Local Water Supply Plan includes the use of a number of local water supply sources which will be used together to meet the City's water supply needs through the year 2050. Since the approval of the plan, Staff has continued to evaluate alternative water treatment technologies to see if the use of those technologies can help optimize components of the plan.

On August 15, 2005, the City Council approved modifications to the plan with a greater emphasis on using direct surface water withdrawals from the Little Arkansas River. In 2006, Phase I of the Equus Beds Aquifer Storage and Recovery Project was constructed.

The Integrated Local Water Supply Plan (ILWS) Plan includes a number of components, the most significant of which is the Equus Beds Aquifer Storage and Recovery Project (ASR). The project eventually will capture up to 100 million gallons-per-day (MGD) from the Little Arkansas and recharge it into the Equus Beds Aquifer. It is estimated that the dewatered component of the aquifer can hold up to 65 billion gallons, or about the same amount of water as stored in Cheney Reservoir.

It is anticipated that it will take four phases to construct the ASR project. Phase I, constructed in 2006, has the capacity to capture and recharge up to 10 MGD. This project was a "prototype" for future phases, and the lessons learned will be used to improve future project phases. The prototype included diversion wells, a direct surface water intake and a water treatment plant, four recharge wells and two recharge basins.

Phase II will capture up to 30 MGD with direct surface water intake and treat the water at a water treatment plant to the level acceptable to the Kansas Department of Health and Environment, prior to transmitting the water into recharge wells. The treatment plant and intake will be constructed assuming that a total of 60 MGD of direct surface water will be used, with up to 90 MGD possible by completion of the project. Phase II will serve as the backbone for future phases, thus some of the components are more costly than they will be in future phases.

It is anticipated that Phase II will be composed of four projects.

- 1) One project will be the reconstruction of much of the 48-inch raw water line constructed in 1940. Some sections need to be replaced with larger diameter pipe to accommodate the increased flows required for the ASR project, but approximately 8 miles need to be reconstructed due to frequent breaks. The cost is estimated to be approximately \$44 million. Replacement of this entire line was not anticipated when the plan was developed, but its unreliability requires that replacement be addressed at this time.
- 2) The second project will be the construction of overhead power lines to serve the new treatment plant and recharge facilities. It will include installation of additional power lines and a new substation as well as reconstruction of existing power lines that have reached their life expectancy. The cost estimate of that project is approximately \$9.6 million.

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- 3) The third project will be the construction of a 60 MGD surface water intake and pump station, a 30 MGD water treatment plant and approximately 3 miles of pipeline connecting the facilities. The estimated cost is approximately \$53 million. A number of technologies are available to treat the water to the required quality, and every effort will be made to use the most cost-effective technologies.
- 4) The fourth project will be the construction of up to 26 recharge wells and an additional four miles of pipeline. For the most part, the wells will be located at sites where the City already has supply wells. The estimated cost is approximately \$18 million.

Current estimations are based on general assumptions and are thought to be conservative pending actual design of the facilities. Based on this, Phase II is estimated to cost approximately \$125 million.

Requests for Proposals for the engineering design services will be issued and reviewed by the Staff Screening and Selection Committee. It is anticipated that design activities will begin this year, with construction beginning in late 2008 and completed in 2010. Due to the scope and nature of these projects, it is recommended that the services of a Program Manager be obtained. The cost for a Program Manager is estimated to be approximately \$400,000.

The estimated cost is \$125 million for all projects to complete Phase II of the ASR. The projects are identified in the CIP as W-549, Water Supply Projects. The cost of these projects will increase water rates to the average residential customer by 19-percent over the next ten years. This will leave Wichita's water cost below the national average. Funding for the projects will come from Water Utility revenues and reserves, and/or a future revenue bond issue.

This project will ensure efficient infrastructure by providing reliable, compliant and secure utilities and will help assure that adequate water supplies are available for future customers.

The Law Department has approved the Resolution as to form. Contracts for engineering services and changes in funding requirements will be submitted to City Council for consideration and action.

Vice-Mayor Fearey

Vice-Mayor Fearey inquired whether anyone wished to be heard and no one appeared.

Motion--

Vice-Mayor Fearey moved that Staff be authorized to proceed with Phase II, approve the expenditures, adopt the amended Resolution, and authorize the necessary signatures. Motion carried 5 to 0, (Brewer and Williams, absent).

--carried

RESOLUTION NO. 07-400

A Resolution amending Resolution No. 07-045, pertaining to the Water Supply Plan (W-549) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Vice-Mayor Fearey moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, (Williams and Brewer absent).

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WATER RATES

WATER UTILITIES RATE ADJUSTMENT AND PLANT EQUITY FEE INCREASES.

Dave Warren

Director of Water and Sewer reviewed the item.

(Council Member Schlapp momentarily absent)

Agenda Report No. 07-0680

The City Council has, on several occasions, considered water and sewer rate adjustments to address major capital costs associated with the replacement of utility infrastructure and the expansion of the treatment, distribution and collection systems needed to keep pace with urban growth.

Rate pressures in both Utilities are almost exclusively driven by capital needs associated with major investments to ensure that the Utilities are able to keep pace with growth in the metropolitan area. The funding of the aquifer recharge project is a prime example.

The Utility is in the process of conducting a Cost of Service Analysis through Black & Veatch Corporation, as approved by the City Council on September 12, 2006. Part of this analysis includes the review of current plant equity fees. A plant equity fee is paid by each customer who requests a new service connection to the water and/or sewer system. Plant equity fees are designed to recover a portion of the capital investment that the utility has made and the current customer base has paid for the benefit of future customers. The current analysis shows that present fees are inadequate.

Water Utilities has initiated, and will continue to initiate, major capital improvement projects. In addition to the aforementioned project, many capital expenditures are incurred in order to address replacement and reconstruction needs of aging Utility infrastructure.

The adopted 2007 budget provided for rate adjustments in the amount of three (3) percent for Water and seven (7) percent for sewer. More up-to-date analyses of rate requirements in both Utilities have led to a recommendation that a mid-year rate increase of three (3) percent be adopted for the Water Utility. No additional increase to the sewer rates needs to be made at this time. This mid-year rate increase should ensure that future years' impacts will be less significant and will also ensure that the debt service coverage ratio for both utilities remains above the 1.2 factor required in the bond covenants.

Increasing the plant equity fees will pass the costs of the existing system infrastructure to new customers, as opposed to absorbing the costs into the rate base and passing the costs to customers who have already paid for the system and plant improvements. Increasing plant equity fees will also help keep future rate increases at more acceptable levels.

Typical residential plant equity fees of \$1,060 for the water plant equity fee and \$760 for the sewer plant equity fee are not fully recoverable costs of the system's infrastructure. After analyzing current infrastructure and plant assets, Black & Veatch recommended increasing plant equity fees for typical residential meters to \$1,520 for water plant equity fees and \$1,350 for sewer plant equity fees. These increases reflect the large capital investment made in both water and sewer systems in the last few years.

The proposed mid-year water rate increase of three (3) percent, effective in the first billing cycle of August 2007, should adequately fund the operating and capital program for the Utilities and help ensure that the debt service coverage ratio of 1.2 is maintained. Further, increasing plant equity fees, effective October 1, 2007, to more accurately recoup system and plant equity should help stabilize future rate increases.

This action will ensure efficient infrastructure by providing reliable, compliant and secure utilities.

Law has approved the Ordinances as to form. City Council approval is required to implement rate and fee adjustments.

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Council Member Longwell Council Member Longwell asked if there are plans to sell our effluent waters coming off of some of our operations and is that part of our conservation program.

Dave Warren Director of Water and Sewer stated they have had very minimal success in sale of treated waste water and they have attempted to work contracts with a number of large industries that are close the large plant down south and they have set up the new facility that they built to treat and pump effluent into the area around it as it develops. Stated right now there is not much development out there but are hopeful that they will be able to do that. Stated the problem in Wichita is that potable water is still a very cheap commodity and it is hard to get the public to recognize the value of treated wastewater as a replacement for future water supplies and to buy into that use. Stated he believes as we go forward in the future, because of the limited availability of water supplies, it will become a must.

Vice-Mayor Fearey Vice-Mayor Fearey inquired whether anyone wished to be heard.

(Mayor Brewer returned to the bench)

Karl Peterjohn Karl Peterjohn stated the average Wichitan has not had a 9%, 6%, or a 3% increase in their incomes and if we regularly increase utility rates and people have no choice to either use the utility or have no service, they are looking at an increase that is much faster than their incomes and their affordability. Stated if utility rates continue to grow faster than the income of the people paying it, that hurts and if we have comparative advantage of our rates are lower than a lot of other communities, which is something to be proud of and preserve and we need to look at trying to maintain those costs.

Motion-- Brewer moved that the rate adjustment for the water utility and the plant equity fee increases be approved; the Ordinances placed on first reading; and the necessary signatures authorized. Motion --carried carried 6 to 0, (Williams absent).

ORDINANCE

An Ordinance amending section 16.14.041 of the code of the City of Wichita, Kansas pertaining to payment of plant equity fees for connection of sewer service; and repealing the original of section 16.14.041, introduced and under the rules laid over.

ORDINANCE

An Ordinance amending section 17.12.061 of the code of the City of Wichita, Kansas pertaining to payment of plant equity fees for connection of water service; and repealing the original of section 17.12.061, introduced and under the rules laid over.

ORDINANCE

An Ordinance amending section 17.12.090 of the code of the City of Wichita, Kansas, pertaining to schedule of rates and charges for water service, and repealing the original of said section, introduced and under the rules laid over.

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PLANNING AGENDA

Motion-- Brewer moved that Planning Consent items 26-31 be approved in accordance with the recommended
--carried action shown thereon. Motion carried 6 to 0, (Williams absent).

ZON2007-16 **ZON2007-16-ZONE CHANGE FROM "SF-5" SINGLE-FAMILY RESIDENTIAL TO "NO" NEIGHBORHOOD OFFICE WITH A PROTECTIVE OVERLAY; LOCATED ON THE NORTHWEST CORNER OF 21ST STREET NORTH AND SALINA AVENUE. (DISTRICT VI)**

John Schlegel Planning Director reviewed the item.

Agenda Report No. 07-0670

MAPC Recommendations: Approve, subject to staff recommendations (8-3).

MAPD Staff Recommendations: Approve, subject to the provisions of the Protective Overlay.

DAB recommendation: Deny (unanimous).

The applicant is requesting "NO" Neighborhood Office zoning with a Protective Overlay (PO #188) on Lots 70, 72, 74, Lucy Avenue, River Bend Addition. The site is currently zoned "SF-5" Single-family Residential. The applicant was in the process of converting the existing single-family residence (built 2001) to office space for tax preparation and translation services.

The site, a corner lot, has recently had the south, street side yard (up to the sidewalk) and both the rear (west) and front (east) yards paved for a parking lot. There are no barriers between the parking lot and the sidewalk to prevent parked vehicles from encroaching into the sidewalk. There has been no code required landscaping improvements on the parking/site. A recently constructed wooden fence has also been erected along portions of the property's west and east sides. Along the site's north side, an older fence, in need of some repair, is located in the neighbor's "SF-5" zoned single-family residence/lot. The subject site has a drive on its east side onto Salina Avenue, a paved residential street. The site has access onto an unpaved alley on its west side. Both the alley (including an unimproved portion of 22nd Street North) and Salina Avenue intersect with 21st Street North. A small drainage ditch runs along the site's 21st Street frontage and has prevented a drive from the site directly onto 21st Street. The Little Arkansas River is located south of the site, across 21st Street. This particular section of the river peaks in an arch (as does the parallel 21st Street) in front of the subject site. The "21st Street North Corridor Revitalization Plan" recommends this portion of the Little Arkansas greenway be part of a parkway that runs from Hood Street (two blocks west of the site) eastward to Woodland Park. The Plan recommends that the parkway be embellished through some roadway improvements, including curb and gutter, maintenance, a distinct pathway and additional informal planting of trees. There is a well-kept asphalt path and some recent tree plantings plus landscaping in the parkway south of the site, across 21st Street. Properties abutting and adjacent to the site's north and east sides are zoned "SF-5" and are part of a single-family residential neighborhood. There is a "GO" General Office zoned property located a block east of the site. This property (Z-2523, 8-9-83) has a single-family residence (built 1998) on the back portion of it, while its front portion (different owner) is vacant. The property adjacent (across the unpaved alley) to the west side of the site is zoned "LC" Limited Commercial (Z-2623, 8-21-84) and is developed as an upholstery shop (built 1940).

The site is located two blocks east of the Thai Bin Asian Market ("LC", CUP DP-18) and four blocks east of the bridge over the Little Arkansas. The "21st Street Plan" recommends the Market as the Asian Ethnic Anchor for its west sub-region. The Market is currently having improvements done to its exterior. There is a small cluster of "LC" zoned small businesses and a "GO" medical office and church around the Market. The Plan recommends that any new development or redevelopment consider utilizing Asian design influences to 'help support this theme.' The Plan also recommends that the Little Arkansas Bridge be one of three gateways into the Plan's whole area and that development along 21st Street have landscaping.

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Prior to DAB VI's June 4, 2007 meeting, the applicant agreed to withdraw his original request for "LC" zoning, upon the advice that Planning had recommended denying the "LC" request. However, the applicant felt his investment for improvements on the property to convert it to an office site discouraged him from using the site as a home occupation for office use, therefore the applicant agreed to "NO" zoning with the following provisions of Protective Overlay (PO) #188 as an alternative:

- (1) Dedicate complete access control along the site's 21st Street frontage.
- (2) Install approved parking barriers along the site's 21st Street frontage and the undeveloped alley.
- (3) Provide a landscape/site plan for approval that would insure that landscaping be installed per the standards of the Landscape Ordinance's street yard landscaping and a landscape buffer between it and the abutting and adjacent "SF-5" zoned properties; the exception to the Landscape Ordinance does not apply to this site.
- (4) All outside lighting be no taller than 14-feet tall and located outside all setbacks.
- (5) The applicant/owner provide a restrictive covenant to ensure that a wooden fence always be up and in good repair along its north property line.
- (6) All dumpsters have a wooden fence with a gate around them and are not visible from 21st Street North.
- (7) Signage is limited to what is permitted in the "NO" zoning district.
- (8) All compatibility setbacks would be in effect as well as all parking requirements.
- (9) The planting and all other conditions will be implemented within 90 days of approval by the Governing Body or the zoning will be considered null and void.

DAB VI at its June 4, 2007 meeting unanimously (7-0) recommended denial of both the "LC" and "NO" zoning with PO #188. The DAB's comments included, that the proposed zoning did not match the "21st Street North Corridor Revitalization Plan," that they preferred that the site be used as a home occupation, if the owner was aware if the contractor had pulled a permit to pour the concrete parking lot and the impact of the concrete parking lot on the property's current "SF-5" zoning. NOTE: There is no record of a permit being pulled with the City for the concrete parking lot. If the applicant's zoning request is denied, portions of the concrete parking lot, located in the front (Salina Avenue side), street side and rear yards will have to be removed. If the applicant's zoning request is approved, a parking lot plan will have to be approved by OCI, which would include compliance with the Landscape Ordinance and setbacks, thus requiring portions of the concrete parking lot being removed from the front, street side and possibly rear yards. There were no speakers for or against this request at the DAB meeting.

There were no speakers in opposition to the request at the MAPC meeting on June 7, 2007. The MAPC voted (8-3) to recommend approval of the zone change subject to the provisions of PO #188, after a motion to deny (4-7) the request failed. No protest petitions have been submitted and staff has received no telephone calls protesting the proposed zone change.

Promote Economic Vitality.

The ordinance has been reviewed and approved as to form by the Law Department.

- Council Member Fearey Council Member Fearey asked how much of the paving will need to come out for his landscaping.
- John Schlegel Planning Director stated he will need to provide landscaping along the street frontage and also along Salina Street frontage. Stated the landscaping would include trees. Stated there is not a lower intensity zoning that would allow him to have this office, otherwise it would have to be a home occupation, which would does not wish to live there.
- Council Member Fearey Council Member Fearey asked if he needs all of that space for parking.
- John Schlegel Planning Director stated no and under the code it would not require that much parking and if the "NO" zoning were to be granted today, they would look for him to comply with the landscaping buffering requirements and remove as much pavement as is needed in order to be able to meet that requirement and it could leave the remaining pavement in place.

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- Council Member Fearey Council Member Fearey stated this gentleman does not have English as his first language and it is her understanding that somebody came by and did this paving and did not pull a permit. Asked if it is legal to make a motion, where part of that not is paved or that he only have the number of paved parking spaces that are required.
- Gary Rebenstorf Director of Law stated he thinks it is appropriate to make him comply with the landscaping requirements.
- John Schlegel Planning Director stated the way to do this is to amend the protective overlay to only allow the paving that is required to meet the parking requirements.
- Motion-- Fearey moved that the City Council concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of the Protective Overlay amended to include only allowing paving required to meet the minimum parking requirements; and place the ordinance establishing the zone change on first reading; instruct the Clerk to withhold publication the until the provisions of the Protective Overlay are completed. Motion carried 6 to 0, (Williams absent).
- carried

ORDINANCE

An ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended, introduced and under the rules laid over. (ZON2007-16)

ZON2007-20

ZON2007-20-ZONE CHANGE FROM "SF-5" SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL; GENERALLY LOCATED ON THE NORTH SIDE OF KELLOGG, EAST OF HEATHER ROAD (8225, 8223, 8301, AND 8307, EAST PEACH TREE LANE AND 8300 EAST KELLOGG DRIVE). (DISTRICT II)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 07-0671

MAPC Recommendations: Approve, subject to staff recommendations (10-1).

MAPD Staff Recommendations: Approve the zone change, subject to the installation of a concrete wall.

DAB Recommendations: A quorum was not present at the DAB II meeting on June 4, 2007. DAB II is scheduled to rehear on July 9, 2007.

The applicant is seeking to rezone property from SF-5 Single-family Residential to LC Limited Commercial, and a reduction of the rear compatibility setback standards from 25 feet to 22 feet.

The site to be rezoned is the southern eight feet of four platted lots (Lots 2,3,4, 5, Block 7, Bonnie Brae Addition) located on the south side of East Peach Tree Lane (8225, 8223, 8301 and 8307 East Peach Tree Lane) and east of Heather Road. The applicant is seeking LC Limited Commercial zoning on the rear eight feet. All four lots are currently zoned SF-5 Single-family Residential and developed with single-family residences. All four of these residential platted lots have 140 feet of depth, and vary in lot width of 97.5 feet or 100 feet, so the minimum lot size among the four lots is 13,650 square feet. Deducting the land area (800 square feet) under zoning consideration from the original lot size results in a residual lot size of 12,850 square feet. The SF-5 Single-family Residential zoning district requires 5,000 square feet of minimum lot area. Based upon Sedgwick County Appraiser data, it appears the four individual lot owners have sold off the southern eight feet to the applicant, Motels, LLC. The applicant indicates he will build a six-foot high concrete screening wall along the common property line.

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Motels, LLC is the property owner of the two lots located immediately south (Part of Lots 3 and 4, Ruth Addition) of the area to be rezoned. These lots are zoned LC Limited Commercial, are vacant and have 417 feet of frontage on East Kellogg's north frontage road. Motels LLC desires to build a three-story "Best Western" motel on this site, which has 122 feet of depth, not including the eight feet that are the subject of this rezoning application.

The applicant has provided a site plan that shows an 80-foot wide motel (including drive-thru canopy), a 24-foot wide driveway and a four-foot landscaping strip for a total of 108 feet from the front property line to the rear of the proposed building. On a 130-foot deep lot, that leaves a rear building setback of only 22 feet. Unified Zoning Code rear compatibility setback requirements are 25 feet. Compatibility standards also prohibit the placement of a dumpster within 20 feet of TF-3 or more restrictive zoning. However, the City Council can modify those distances. The applicant is seeking a reduction of the rear compatibility setback from 25 feet to 22 feet.

Compatibility height standards prohibit buildings taller than 35 feet from being within 50 feet of SF-5 or TF-3 zoned property. The applicant has indicated the building will be 35 feet or less in height.

The lots located north and east of the lots requesting rezoning are all developed with single-family residences and are zoned SF-5. The lot to the west of the application area is split zoned between LC Limited Commercial and developed with a motel, and SF-5 Single-family Residential developed with a home. The lots east and west of the proposed motel site are zoned LC and developed with motels. The motel to the east sits within 10 feet of the rear property line, while the motel to the west has parking adjacent to single-family homes behind the motel.

The LC zoning district has a 20-foot front building setback, however the code permits drive-thru canopies to be located within eight feet the front setback.

District Advisory Board (DAB) II initially heard this request on June 4, 2007. However, the DAB did not have a quorum so a vote was not taken. Two of the property owners that had sold the southern eight feet of their lots were present. One of them alleged that the terms of the contract for sale had not been fulfilled, but he did not object to the rezoning. The other property owner indicated support for the application, but indicated agreement that the terms of the sale had not been completed. A third property owner, the residential property owner located just east of the application area, had questions regarding survey stakes he found behind his property and had concerns over the potential mis-management of the proposed motel. He did not want to see the same type of problems occur they had with the earlier motel that had been on the subject site. DAB II is scheduled to hear the request again on July 9, 2007.

MAPC heard this request on June 7, 2007 and approved, subject to staff recommendations (10-1). Three members of the public spoke in opposition. One speaker was a member of the Bonnie Brae Neighborhood Association. He expressed concern regarding commercial encroachment into the neighborhood. A second speaker who owns the motel to the west asked about setbacks and if the proposed motel would fit on the site. The third speaker was the third speaker mentioned in the DAB summary above.

There have not been any protest petitions filed.

Promote Economic Vitality.

The ordinance has been reviewed and approved as to form by the Law Department.

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Council Member Schlapp Council Member Schlapp stated they had a DAB meeting last night and this was denied by a 9-1 vote. Stated this is Bonnie Brae neighborhood which borders on Kellogg and has been fighting desperately to preserve their neighborhood. Stated one of the discussions that came up earlier was if they could have a cement wall like Eastborough and some of the other places and they have tried everything to help preserve that neighborhood. Stated then comes this ability to put up a hotel and they are not against the hotel and do not fight the development on Kellogg but in order for that hotel to fit on that spot, they needed a little more property and went to some of the property owners and not all of them were willing to sell but some. Stated the deal was a dollar for the 8' and they would build them a cement wall. Stated the cement wall has been an issue to that whole neighborhood and the cement wall for just four properties is a huge problem. Stated one is that the frontage wall on Rock Road has been built up and the drainage goes north up to that property and the water would not go through the cement wall but off to the side to other properties. Stated the flooding is an issue and for the neighborhood, in their covenants it says that you cannot sub-divide your property and she thinks one of the things we need to be very concerned with are neighborhoods. Stated she strongly believes that neighborhoods have a right to preserve themselves and their covenants need to be respected and that is why the DAB voted like they did.

Motion--carried Schlapp moved to deny the request. Motion carried 6 to 0, (Williams absent).

ORDINANCE

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ZON2007-17

ZON2007-17-CITY ZONE CHANGE FROM "SF-5" SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL. GENERALLY LOCATED ONE QUARTER-MILE NORTH OF 21ST STREET NORTH ON THE EAST SIDE OF GREENWICH ROAD, 2400 NORTH GREENWICH ROAD. (DISTRICT II)

Agenda Report No. 07-0672

MAPC Recommendations: Approve (11-0).

MAPD Staff Recommendations: Approve, subject to platting.

The applicant requests a zone change from "SF-5" Single-family Residential to "LC" Limited Commercial on an unplatted 4.8-acre parcel. The site is less than six acres; therefore, the Unified Zoning Code (UZC) will not require a Community Unit Plan to develop the property under commercial zoning. The site is located east of Greenwich Road and south of K-96. The applicant intends to develop the site with commercial uses.

North and east of the site is an SF-5 zoned cemetery with a wireless communications tower, approved as a conditional use (CU-435) in 1997. Property north and east of the site was also approved for LC zoning by DP-291 (Cedar Creek Marketplace Commercial CUP), subject to platting by August 7, 2007. South of the site is a LC zoned strip center; west of the site is the LC and GC zoned Regency Lakes Commercial CUP (DP-234) with retail and restaurant uses.

DAB II did not review this request. At the MAPC hearing on June 7, 2007, no individuals spoke in opposition to the request. The MAPC voted (11-0) to recommended approval of the request, subject to staff recommendations.

Promote economic vitality.

The ordinance has been reviewed and approved as to form by the Law Department.

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Motion--

Brewer moved to adopt the findings of the MAPC and approve the zone change subject to platting within one year; withhold publishing the ordinance until the plat is recorded; Motion carried 6 to 0, (Williams absent).

--carried

ORDINANCE

An ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended, introduced and under the rules laid over. (ZON2007-17)

ZON2007-21

ZON2007-21-ZONE CHANGE FROM "B" MULTI-FAMILY RESIDENTIAL TO "U" UNIVERSITY; GENERALLY LOCATED SOUTH OF MCCORMICK AVENUE BETWEEN SOUTHWEST BOULEVARD/K-42 AND SHERIDAN AVENUE. (DISTRICT IV)

Agenda Report No. 07-0673

MAPC Recommendations: Approve (11-0).

MAPD Staff Recommendations: Approve.

The applicant requests "U" University zoning on Lot 1, Block A, Newman University 3rd Addition. The site is currently being developed as another building for university uses. The site is owned by Newman University, whose campus grounds are on both sides of Sheridan Avenue, south of Kellogg/US-54, west of Southwest Boulevard/K-42, and ending on its south side with property owned by the "Adores of the Blood of Christ" religious order. Most of the Newman University campus is zoned "B" Multi-family Residential and developed with buildings containing administration offices, classrooms and other uses associated with a small college. Playing fields, zoned "SF-5" Single-family Residential, used by the university's sports teams are located west, across Sheridan Avenue, from the site. A portion of Newman University, currently being developed as student housing, was approved for "U" zoning by the MAPC on November 6, 2006 (ZON2006-41).

The proposed zone change, from "B" to "U," and the proposed development, would require conformance to all property development standards in the Wichita-Sedgwick County Unified Zoning Code.

There were no speakers in opposition to the request at the MAPC meeting on June 7, 2007. The MAPC voted unanimously (11-0) to recommend approval of the zone change. No protest petitions have been submitted and staff has received no telephone calls protesting the proposed zone change.

Promote Economic Vitality and Affordable Living.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--

Brewer moved to concur with the findings of the MAPC and approve the zone change; place the ordinance establishing the zone change on first reading. Motion carried 6 to 0, (Williams absent).

--carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended, introduced and under the rules laid over. (ZON2007-21)

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CUP2006-06

CUP2006-06-, DP-295 AND ZON2006-07-EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR THE STONEBRIDGE COMMERCIAL COMMUNITY UNIT PLAN AND A ZONE CHANGE FROM "SF-5" SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL. GENERALLY LOCATED EAST OF MAIZE ROAD AND SOUTH OF 37TH STREET NORTH. (DISTRICT V)

Agenda Report No. 07-0674

On June 6, 2006, the City Council approved the creation of DP-295 Stonebridge Community Unit Plan (CUP) and a zone change from "SF-5" Single-Family Residential to "LC" Limited Commercial, subject to the condition of platting the property within one year. The applicant's letter states that sanitary and storm sewer coordination in the area is slowing the platting process. The applicant requests a two year platting extension to June 6, 2009.

Staff recommends that an extension of time to complete platting requirements be granted. The City Council may deny the request for an extension of time to complete platting; however, denying the extension would declare the CUP and zone change null and void and would require reapplication and rehearing if the property owner still desired a CUP and zone change.

Promote Economic Vitality and Affordable Living.

No legal documents are required to enact the granting of the platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Motion--
--carried

Brewer moved to approve extended platting deadline of June 6, 2009. Motion carried 6 to 0, (Williams absent).

SUB2005-145

SUB2005-145-PLAT OF MARTIN ESTATES SECOND ADDITION, LOCATED WEST OF 151ST STREET WEST AND SOUTH OF CENTRAL. (COUNTY)

Agenda Report No.07-0675

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-1)

The negative vote indicated a Planning Commissioner's concern with the drainage plan.

This site, consisting of three lots on 17 acres, is located in the County within three miles of Wichita's city limits. The site is zoned "RR" Rural Residential District.

A Petition, 100 percent, and a Certificate of Petition, have been submitted for future water and sewer improvements. Since sanitary sewer is unavailable to serve this property, Sedgwick County Code Enforcement has approved the use of on-site sewerage facilities and water wells. Contingent Dedications for street right-of-way have been submitted to the County.

The plat has been approved by the Planning Commission, subject to conditions.

Ensure Efficient Infrastructure.

(The Certificate of Petitions will be recorded with the Register of Deeds by the County.)

Motion--
-- carried

Brewer moved to approve the plat, adopt the resolutions and authorize the necessary signatures. Motion carried 6 to 0, (Williams absent).

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RESOLUTION NO. 07-402

Resolution of findings of advisability and resolution authorizing construction of Lateral 18 Northwest Interceptor Sewer, west of 151st St. West south of Central, 468-84381 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer, (Williams absent).

RESOLUTION NO. 07-403

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90305, west of 151st St. West, south of Central, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, and Brewer, (Williams absent).

SUB2006-102

SUB2006-102-PLAT OF PALACE EAST ADDITION, LOCATED ON THE NORTH SIDE OF KELLOGG AND ON THE WEST SIDE OF GREENWICH ROAD. (DISTRICT II)

Agenda Report No.07-0676

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (13-0)

This site, consisting of one lot on 7.78 acres, is a replat of a portion of David's East First Addition. The site is located within Wichita's city limits and is zoned "GC" General Commercial District, "LC" Limited Commercial District and "LI" Limited Industrial District.

City water and sewer services are available to serve the site.

The plat has been approved by the Planning Commission, subject to conditions.

Ensure Efficient Infrastructure.

Motion--carried

Brewer moved to approve the plat and authorize the necessary signatures. Motion carried 6 to 0, (Williams absent).

VAC2007-00015

VAC2007-00015-REQUEST TO VACATE A PORTION OF PLATTED COMPLETE ACCESS CONTROL, GENERALLY LOCATED SOUTHWEST OF 25TH STREET NORTH AND GROVE AVENUE. (DISTRICT I)

Agenda Report No. 07-0677

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

The applicant, Unified School District #259, has applied for the vacation of the complete access control to allow another drive, for a total of three, along the site's 656.77-feet of 25th Street North frontage. The request will allow better circulation of the site's bus traffic and other vehicles using the new school site. There is platted street right-of-way north, across 25th Street, from the site: Spruce, Madison and Ash Avenues. 25th Street North, as well as Spruce, Madison and Ash Avenues, is classified as a residential street at this location. At the 25th Street and Grove Avenue intersection, both streets are classified (25th Street only on the east side of this intersection) as urban collectors. There are no manholes or sewer line in the requested area. There is a private water line that crosses the frontage. The 21st Street Kids and Family Empowerment Addition was recorded with the Register of Deeds on December 6, 2005.

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The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Ensure efficient infrastructure.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--

Brewer moved that the City Council follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures. Motion carried 6 to 0, (Williams absent)

--carried

AIRPORT AGENDA

Motion--

Brewer moved that the Airport consent agenda items 32 and 33 be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Williams absent).

--carried

CONTRACT

SUPPLEMENT NO. 4, FAA CONTRACT NO. DTFA09-91-L-10547.

Agenda Report No. 07-0678

Background: The Federal Aviation Administration (FAA) currently occupies an office building located at 1801 Airport Road on Wichita Mid-Continent Airport. The FAA has requested that improvements be made to this building.

The FAA has requested a project be initiated to modify the east main entrance doors and the handicap accessible restroom door by adding power-assisted door hardware to momentarily actuate a signal to open the doors. This amendment allows the WAA to contract with an architect to develop a scope of services and bid information for this project.

The FAA will reimburse the WAA in the amount of \$5,500 for the architectural services associated with this project.

The Airport's contribution to the economic vitality of Wichita is promoted through accommodating tenants in allowing improvements to be made which will enhance the usefulness and marketability of WAA-owned facilities.

The Law Department has approved the Supplement as to form.

Motion--

Brewer moved that the Wichita Airport Authority approve Supplement No. 4, and authorize the necessary signatures. Motion carried 6 to 0, (Williams absent).

--carried

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AMERICA WEST

ASSIGNMENT AND ASSUMPTION-AMERICA WEST AIRLINES TO US AIRWAYS.

Agenda Report No. 07-0679

The Wichita Airport Authority has two lease agreements with America West Airlines for operating on Wichita Mid-Continent Airport: an airline airport use and lease agreement and an agreement for use of space in the airline maintenance building.

As a result of American West's acquisition of US Airways and the merger of the two airlines, America West will, in the near future, surrender its operating certificate to the Federal Aviation Administration and assign its leases at Mid-Continent Airport to US Airways. US Airways will assume America West's rights and obligations under the provisions of the leases. The Wichita Airport Authority's consent to the assignment is required.

There is no financial impact to the Wichita Airport Authority.

The Airport's contribution to the economic vitality of Wichita is promoted through approving changes to lease agreements which allow tenants to do business at the airport in the most efficient way possible, thereby improving services to their customers.

The Consent to Assignment of Leases has been approved as to form by the Law Department.

Motion--carried

Brewer moved that the Wichita Airport Authority approve the Consent Motion carried 6 to 0, (Williams absent).

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

Council Member Fearey

Council Member Fearey requested that the following people be appointed: DAB VI-Janet Miller, John Van Walleghen, Charlie Claycomb, Bob Schreck, Carol Skaff, Bob Aldrich, Marcia Carr, Stacie Longwell, Pat Randleas, Jaya Escobar, and Bickley Foster; Alternates-Sandra Whittington, Bob Wine, and Carlos Cantreras; Library Board-Melissa Alley and to the Design Council-Tim Austin, Barry George, Mike Thompson, Stan Sheldon, Brad Biddle, Greg Rhodes, Rob Hartman, Kurt Skinner, Tom Montgomery, Connie Ernatt, Todd Whipple, Julie Hedrick (the manager's appointment for ADA), Patricia O'Donnell, and Dave Wells.

Motion--carried

Brewer moved to approve the appointments. Motion carried 6 to 0, (Williams absent).

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OFF-AGENDA ITEM

- Motion--carried Brewer moved to allow an off-agenda item. Motion carried 6 to 0, (Williams absent).
- Motion--
--carried Brewer moved to approve travel expenses for Lavonta Williams to attend the National League of Cities Meeting in New Orleans, November 13-18, 2007. Motion carried 6 to 0, (Williams absent).

RECESS

EXECUTIVE SESSION.

- Motion--
--carried Brewer moved that the City Council recess into Executive Session at 12:15 p.m. to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation, legal advice, and matters relating to employee-employer negotiations and that the Council returns from Executive Session no earlier than 1:00 p.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 6 to 0, (Williams absent).

RECONVENE

The City Council reconvened in the City Council Chambers at 1:10 p.m. Mayor Brewer announced that the City Council has returned from Executive Session and no action needed as a result of the Executive Session.

- Motion--carried Brewer moved to close the Executive Session. Motion carried 4 to 0, (Gray, Skelton, Williams absent).
- Motion--carried Brewer moved to adjourn the Regular Meeting. Motion carried 4 to 0, (Gray, Skelton, Williams absent).

ADJOURNMENT

The meeting was adjourned at 1:11 p.m.

Respectfully submitted,

Karen Sublett, CMC
City Clerk